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December 1981

THE

INTERIM

A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

DECEMBER 1981

VOL. III, NO. 7

SPECIAL SESSION

FINAL STATUS ENCLOSED

An abbreviated form of the final status current to December 2 is enclosed for your convenience.

OTHER DOCUMENTS BEING PREPARED

The Legislative Council staff is working on the Session Laws, Journals, and code update for the special session. Each of these publications will be printed in small pamphlet form for insertion into the 1981 editions.

LEGISLATIVE COUNCIL

COUNCIL TO MEET DECEMBER 15

The Legislative Council will meet Tuesday, December 15, in Room 139 of the Capitol. The Council will review the ongoing work of the staff, financial reports, and audit reports.

DISTRICTING AND APPORTIONMENT

DISTRICTING AND APPORTIONMENT INTEREST HIGH

The intensity of interest among legislators in the districting and apportionment process became readily apparent during the special session. We will continue to try to keep you informed in this newsletter as to what the commission is doing. Space does not allow as complete information as is really needed. The process should allow for full discussion of alternatives throughout the state before the commission adopts a final plan. Here is a tentative schedule from now until adoption of the final plan:

TENTATIVE SCHEDULE

January through March 1982 - Staff work on "problem areas" determined at January meeting and alternative districts where they are sought by the Commission. Staff to devise district proposals in urban areas.

STATE DOCUMENTS COLLECTION

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Helena, Montana 59601

April through August 1982 - Commission to hold public hearings throughout the state. Notice to be sent to all incumbent legislators, party officials, clerks and records, and other interested persons in addition to wide publicity.

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PLEASE RETURN

September through December 1982 - Commission to adopt tentative state plan for submission to the Legislature. Staff to write a final report.

January and February, 1983 - Plan to be submitted to Legislature by the 10th legislative day. Legislature to respond to plan within 30 days after submission. Plan to be filed with the Secretary of State 30 days thereafter (late February).

JANUARY MEETING
SET

The Districting and Apportionment Commission has tentatively scheduled its next meeting for January 8 and 9, 1982, at 10:00 a.m. in Room 415 of the Capitol. Although a formal agenda has not yet been set, it is anticipated that the commission will review alternative proposals for districts in the non-urban western areas of Montana and study alternatives for "problem areas" defined in the eastern part of the state at its last meeting.

COMMISSION
INFORMATION
POLICY

The Districting and Apportionment Commission has established a policy that, to the greatest extent possible, all questions regarding its work should be directed to the commissioners. Their home addresses and phone numbers are:

Eugene Mahoney, Chairman
Box 516
Arizona City AZ 85223
602-466-5637
home address next spring:
Box 38
Thompson Falls MT 59873
827-3535

Louise Galt
Box 615
Helena MT 59624
442-8450

John B. Kuhr
5 Lila Drive
Havre MT 59501
265-6706

Jim Pasma
P. O. Box 94
Havre MT 59501
265-7724 (work)
265-5543 (home)

JoAnn Woodgerd
Route 1, Box 143F
Stevensville MT 59870
777-3659

INTERIM COMMITTEES

BUSINESS

TWO PUBLIC HEARINGS HELD

The Joint Subcommittee on Business held its first public hearing in Billings on October 28. The committee heard comments from such diverse groups as the Montana Bankers' Association, Montana Stockgrowers' Association, Montana AFL-CIO, and others.

A second hearing was held November 18 in Helena. Testimony was presented by many groups and individuals, including the State Geologist, the Montana Chamber of Commerce, Montana Wood Products Association, Western Environmental Trade Association, and others.

The committee has a large amount of information to absorb before it adopts a formal study design. The committee has not set a date for the next meeting.

EDUCATION

THIRD MEETING SET FOR EARLY JANUARY

The Subcommittee on Education plans to hold its third meeting of the interim in the early part of January 1982. The tentative agenda includes a discussion of the costs to schools for meeting the accreditation standards set by the board of Education.

Sandy Kissick, Education Program Director for NCSL, has arranged for a nationally recognized school finance expert, Dr. Mary Frase Williams, to visit with committee staff on December 7 and 8 in Helena. Dr. Williams will assist staff in designing studies to answer some of the questions raised in committee concerning school finance in Montana.

FISH AND GAME

STUDY COMMITTEE ORGANIZED

The Joint Subcommittee on Fish and Game had its organizational meeting on November 16 in Helena. Senator Ed Smith was elected chairman and Representative Les Nilson was elected vice-chairman. The committee was presented and adopted a study design developed by the staff. Mr. Jim Flynn, Director of the Department of Fish, Wildlife, and Parks made comments and answered questions of committee members. The next meeting of the committee has been tentatively scheduled for January 9, 1982, at 9:00 a.m. in Helena.

TRANSPORTATION AND HIGHWAYS

COMBINED MEETING OF TRANSPORTATION, HIGHWAYS COMMITTEES

During the November Special Session, members of the Joint Subcommittee on Transportation and of the Joint Subcommittee on Highways met to review progress of the two studies. Most discussion focused on highway finance and on proposed railroad branch line abandonments.

Neither committee has yet set a date for its next meeting.

HUMAN SERVICES

THIRD MEETING HELD NOV. 15

The Subcommittee on Human Services held its third meeting on November 15. The subcommittee heard a report from Carroll South on the completion of the guard tower at the prison, the site of the children's treatment unit in Billings, the female offender program, and the workers' compensation liability problems at Warm Springs/Galen.

Also presented was a discussion of community-based services to youth; a discussion of the problems involved in placing the emotionally disturbed youth; a report on shelter care funding problems; and a discussion of persistent status offender legislation.

The next meeting of the subcommittee will be in either late February or March.

JUDICIARY

TWO MEETINGS NOVEMBER

The Joint Subcommittee on Judiciary met on in IN November 14, 1981, to discuss appellate delay and judicial redistricting. Members reviewed three proposed bills: (1) an act permitting the state to request the Sentence Review Division of the Montana Supreme Court to review a criminal sentence; (2) an act prohibiting, except under certain circumstances, appellate review of alleged errors not objected to during a criminal trial; and (3) an act eliminating the disqualification of district court judges by peremptory challenge. Other topics discussed during the meeting included financing the district courts and reducing delays in transcript preparation. The subcommittee also received a status report from the district court judges on their plan for redistricting the courts.

The subcommittee met again for an evening executive session on November 18, 1981, to consider amendments to the proposed bills.

The next subcommittee meeting will be Friday, January 22, 1981, at 10:00 a.m. in Room 104 of the Capitol.

ADMINISTRATIVE CODE COMMITTEE

RULES REVIEWED NOVEMBER 19

The Administrative Code Committee held one meeting during the special legislative session on November 19, 1981. Committee members discussed the rules recently proposed by the Secretary of State, creating a state ethics commission and voted to request that the Secretary's staff work with the committee staff to amend or delete certain rules of concern to the committee. Also reviewed were administrative agency rules contained in 1981 MAR Issues 17 through 20, including rules proposed by the Commissioner of Political Practices implementing the Montana Lobbyist Disclosure Act of 1980. The committee also received staff reports on new fees to be charged state agencies for the filing of rules with the Secretary of State, the status of committee legal action, compliance by state agencies with legislative mandates for rulemaking, and the ability of state agencies to adopt "policies" without following statutory rulemaking requirements.

CAPITOL BUILDING AND PLANNING

NOVEMBER 20 MEETING REVIEWED

The Capitol Building and Planning Committee met November 20 to attempt to resolve a possible problem that had arisen regarding HB 872. The bill had assigned decision-making authority to the committee in connection with the Capitol renovation project. The constitutionality of that assignment had been questioned. The committee passed a resolution stating that it waives its questioned authority to make decisions and considers all motions passed (previously and in the future) concerning the renovation project as only recommendations to the parties responsible for carrying out duties under the renovation project. Following the committee action, Dave Lewis said that the Governor would consider the committee's recommendations as advisory only.

WATER RESOURCES OVERSIGHT COMMITTEE

WATER PROGRAMS
REVIEWED
NOVEMBER 17

The Water Resources Oversight Committee held its second meeting on November 17 at 7:30 p.m. in the Capitol. The committee received updates on the status of water claims already filed from Gary Fritz, DNRC, and W. W. Lessley, Chief Water Judge. As of November 13, 1981, the Department had received 48,511 claims. Adding the claims to be submitted by BLM and USFS, by the end of November, the number jumped to 120,511. The Department estimates that about 250,000 claims will be filed in total. Regarding the adjudication process itself, Judge Lessley reported that the courts will be approaching it with "a liberal attitude toward our people."

FILING EXTENSION
SOUGHT

The committee discussed the petition to the Supreme Court filed by Mike Greely to extend the deadline for filing water rights claims. Judge Lessley will be requesting the Court to extend the deadline until March 31, 1982.

SB 409 RULES
DRAFTED

The committee received an update by DNRC on the Water Development Program (SB 409 - '81). DNRC has drafted proposed rules for implementing the program. A public hearing on these rules is scheduled for December 16, 1981, and written comments may be presented to the Department until December 28.

The committee discussed a proposal for co-sponsoring a Montana groundwater conference with EQC sometime next spring. For details on the conference, see the article under EQC.

ENVIRONMENTAL QUALITY COUNCIL

The Environmental Quality Council and its subcommittees met several times during the November special session. At its regular business meeting November 16, the Council heard presentations from state agencies involved in preparing and reviewing environmental impact statements and developed plans for continued review and evaluation of the EIS process. The EQC also reaffirmed its commitment to continue oversight of issues relating to expanding oil and gas development throughout Montana.

EQC REPORTS
AVAILABLE

EQC staff distributed two major publications to the Legislature during the special session,

including a review and compilation of Natural Resource Issues in the 47th Legislature and a revised and substantially expanded Montana Index of Environmental Permits, produced in cooperation with the Department of Health and Environmental Sciences. These reports are intended to provide information to the Legislature and the public on natural resource issues facing the state and on various permits with which a developer or user of the state's natural resources must comply. The Index of Permits should better enable developers and government officials to identify and insure compliance with applicable environmental laws and regulations. Copies of both publications will be distributed to all those on EQC's mailing list the week of December 7. Call EQC for additional copies.

EQC MOVES
CAPITOL

EQC offices are now in the Capitol to better to enable the staff to serve the Legislature. Temporarily located in Rooms 432, 433, and 434, on the 4th floor behind the House gallery, EQC will move to permanent space near its sister legislative agencies late next year.

GROUNDWATER
CONFERENCE TO
BE HELD NEXT
SPRING

EQC and the Water Resources Oversight Committee will jointly sponsor a statewide conference on Planning a Groundwater Strategy for Montana late next spring. A tentative date will be set next week. Watch the EQC newsletter for further details.

PESTICIDE
MEETING

An informational hearing sponsored by EQC on the use of pesticides and predator poisons took place the evening of November 19. The Council and a large audience of legislators and the public heard presentations by the Departments of Agriculture; Livestock; Fish, Wildlife, and Park; and Health and Environmental Sciences and by the Agricultural Experiment Station, Cooperative Extension Service, and the Pesticide Advisory Council. EQC plans to continue to monitor the issues identified at the meeting.

HARD-ROCK
MINING
SUBCOMMITTEE

On the evening of November 17, the EQC Hard-Rock Mining Subcommittee, chaired by Representative Dave Brown, met jointly with the Revenue Oversight Committee for the second time since the adoption of HJR 66 last session. At this meeting a revised study plan was presented by EQC staff and accepted by committee members for use as a guide in carrying out the hard-rock mining impact study.

The subcommittee agreed that a public hearing/working committee meeting would be held some time early next year in a community that is likely to incur impacts from new large-scale mineral development in the state. Tentative arrangements have since been made for such a meeting on February 8 in Columbus, Montana.

LEGISLATIVE INTERIM CALENDAR
DECEMBER

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11 CONSUMER COUNCIL RM 104 1-5pm	12
13	14	15 LEGISLATIVE COUNCIL RM 139 10:00 am	16	17	18	19
20	21	22	23	24	25 <i>Mary Chiswick</i>	26
27	28	29	30	31		

LEGISLATIVE INTERIM CALENDAR

JANUARY

SUNDAY

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

						1 Happy { New { ...Year!	2
3	4	5	6	7		8 REAPPORTIONMENT RM 415 10 am	9 REAPPORTIONMENT RM 415 TO BE ANNOUNCED FISH & GAME RM 104 9 am
10	11	12	13	14		15	16
17	18	19	20	21		22 JUDICIARY RM 104 10 am	23
24	25	26	27	28		29	30
							31

FINAL STATUS
OF
HOUSEBILLS
1st SPECIAL SESSION

OFFICE OF CHIEF CLERK
STATE CAPITOL

HELENA, MONTANA
DECEMBER 3, 1981

Number of House Bills Introduced: 16
Number of House Bills Signed by Governor: 9
Number of House Bills Killed: 6

NO.	AUTHOR	SUBJECT	REFERRED TO	NO.	AUTHOR	SUBJECT	REFERRED TO
1	SPIKER, DONALDSON	AN ACT APPROPRIATING MONEY FOR THE OPERATION OF THE SPECIAL SESSION OF THE FORTY-SEVENTH LEGISLATURE CONVENING ON NOVEMBER 16, 1981; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/19	7	MALURON	AN ACT PROVIDING FOR ESTABLISHMENT OF RULES AND STANDARDS FOR GENERAL RELIEF ASSISTANCE BY COUNTY BOARDS OF PUBLIC AFFAIRS; AMENDING THE APPOINTMENT OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; PROVIDING THAT GENERAL RELIEF ASSISTANCE MAY BE PROVIDED BY DISBURSING ORDERS; AMENDING SECTIONS 53-3-301 AND 53-3-302; MCA; AND PROVIDING AN EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/25 (CHAPTER 4)
2	DONALDSON	AN ACT TO AMEND HOUSE BILL NO. 500; LAWS OF 1981, TO APPROPRIATE MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNium ENDING JUNE 30, 1983; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	DELIVERED TO GOVERNOR: 11/28	8	WINSLOW	AN ACT TO CHANGE INTERVALS BETWEEN INSPECTION OF LICENSED HEALTH CARE FACILITIES FROM 1 TO 3 YEARS; TO REQUIRE REPORTS FROM FACILITIES APPLYING FOR LICENSE RENEWAL IN ORDER TO MAINTAIN THEIR LICENSE; AMENDING STANDARDS; AMENDING SECTION 50-5-204; MCA; AND PROVIDING AN EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/25 (CHAPTER 5)
3	LURY, MAZUREK	AN ACT TO REVISE THE LAWS RELATING TO RELINQUISHMENT OF CHILDREN FOR ADOPTION; AMENDING SECTIONS 40-6-125 AND 40-8-103; MCA; REPEALING SECTIONS 40-6-125 AND 40-8-103; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/25 (CHAPTER 1)	9	BARDANOQUE	AN ACT TO AMEND HOUSE BILL NO. 500; LAWS OF 1981; TO APPROPRIATE MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNium ENDING JUNE 30, 1983; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	DIED IN APPROPRIATIONS
4	SHORTZ, DOVER, BONHAM, LURY	AN ACT AMENDING THE DEFINITION OF A DEPENDENT CHILD AND ELIMINATING THE UNEMPLOYMENT OF A PARENT AS A FACTOR IN THE DETERMINATION OF A DEPENDENT CHILDREN; AMENDING SECTIONS 53-4-201, MCA; REPEALING SECTIONS 53-4-234, 53-4-235, AND 53-4-236; MCA; AND PROVIDING AN EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/25 (CHAPTER 2)	10	FABREGA, TOME	AN ACT TO CONTINUE A COUNTY'S FINANCIAL RESPONSIBILITY FOR ANY RECIPIENT OF COUNTY GENERAL ASSISTANCE WHO HAS MOVED FROM THE COUNTY TO ANOTHER COUNTY; AMENDING SECTION 53-3-306; MCA; AND PROVIDING AN EFFECTIVE DATE.	DIED IN LOCAL GOVERNMENT
5	KEYSER	AN ACT ALLOWING AID TO DEPENDENT CHILDREN AND PREGNANT WOMEN IN ACCORDANCE WITH RULES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES; AMENDING SECTION 53-4-231, MCA; AND PROVIDING AN EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/30 (CHAPTER 10)	11	PISTORIA, MORRELL, TEAGUE, ET. AL.	AN ACT TO APPROPRIATE ONE-FOURTH OF THE SEVERANCE TAX REVENUE TO BE RECEIVED IN JANUARY 1982, AND JUNE 30, 1983 TO THE HIGHWAY RECONSTRUCTION TRUST ACCOUNT WHICH IS ONE-HALF OF THE TAX THAT WOULD HAVE BEEN DEPOSITED TO THE COAL SEVERANCE TAX TRUST FUND; AND TO APPROPRIATE \$2,500,000 OF THE HIGHWAY SEVERANCE TAX TRUST FUND TO THE HIGHWAY RECONSTRUCTION AND RECONSTRUCTION OF ROADS AND STREETS.	KILLED ON 2ND READING: 11/23
6	KEYSER	AN ACT TO ALLOW THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO	SIGNED BY GOVERNOR: 11/25	12	FABREGA, MARKS, BERTELSEN	AN ACT TO PROVIDE FOR A METHOD OF PREVENTING COUNTY POOR FUND CASH-FLOW PROBLEMS THROUGH THE CURRENT BIENNium	KILLED: 11/20

FINAL STATUS OF SENATE BILLS 1st SPECIAL SESSION	SENATE CHAMBERS STATE CAPITOL	NO.	AUTHOR	SUBJECT	REFERRED TO CLAIMS
HELENA, MONTANA DECEMBER 3, 1981				SOCIAL AND REHABILITATION SERVICES FOR PAYMENTS OF SUPPORT OF YOUTH IN NEED OF REHABILITATION FROM THE COUNTY OF THE STATE AND COUNTY OF AMOUNTS COLLECTED FROM PARENTS AND GUARDIANSHIP ASSETS; AMENDING SECTIONS 41-3-104 AND 41-3-105, MCA; AND PROVIDING AN EFFECTIVE DATE.	DIED FINANCE CLAIMS
Number of Senate Bills Introduced: 7		6	REGAN	AN ACT ELIMINATING THE REQUIREMENT THAT THE SALARIES AND TRAVEL EXPENSES OF COUNTY PUBLIC ASSISTANCE STAFF PERSONNEL AND ADMINISTRATIVE COSTS BE REIMBURSED TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FROM THE BUDGET FUND MONIES IN MEDICAL SECTION 53-3-306, MCA; AND PROVIDING AN EFFECTIVE DATE.	DIED FINANCE CLAIMS
Number of Senate Bills Signed by Governor: 3					
Number of Senate Bills Killed: 4					
NO. AUTHOR	SUBJECT	REFERRED TO			
1 S. BROWN, NELSON, HARPER, ELLERD	AN ACT TO AUTHORIZE APPROVED TRAINING WHEN A CLAIMANT IS ELIGIBLE FOR TRADE READJUSTMENT BENEFITS AND TO LIMIT THE NUMBER OF SENATE BILLS THAT MAY BE REQUESTED BENEFITS IN THE CLAIMANT IS ELIGIBLE FOR EXTENDED BENEFITS.	SIGNED BY GOVERNOR: 11/30 (CHAPTER 7)	7	BLAYLOCK, FARREGA, HARRIS, MONTZ, OBERG	DIED TAXATION
2 S. BROWN, NELSON, HARPER, ELLERD	AN ACT TO AUTHORIZE THE UNEMPLOYMENT INSURANCE DIVISION TO INQUIRE REGARDING CHILD SUPPORT TO NOTIFY APPLICANTS OF THE STATUS OF THEIR APPLIED SUPPORT ENFORCEMENT AGENCY AND UNDER CERTAIN CIRCUMSTANCES TO TRANSMIT A PORTION OF THE UNEMPLOYMENT INSURANCE BENEFITS TO THE ENFORCEMENT AGENCY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.	SIGNED BY GOVERNOR: 11/30 (CHAPTER 8)			
3 S. BROWN, NELSON, HARPER, ELLERD	AN ACT TO ELIMINATE REFERENCE TO THE NATIONAL "ON" OR "OFF" INDICATOR AND FURTHER DEFINE THE CALCULATION OF RATE OF INSURED UNEMPLOYMENT; ESTABLISHING OTHER STATE AND COUNTY EXTENDED BENEFIT INDICATOR; AMENDING SECTIONS 39-51-2501 AND 39-51-2504 THROUGH 39-51-2504, MCA; REPEALING SECTIONS 39-51-2502 AND 39-51-2503, MCA; AND PROVIDING EFFECTIVE DATES.	SIGNED BY GOVERNOR: 11/30 (CHAPTER 9)			
4 REGAN	AN ACT TO REAPPORTION THE FINANCIAL RESPONSIBILITY FOR GENERAL ASSISTANCE, COUNTY MEDICAL ASSISTANCE, AND MEDICAID BETWEEN THE COUNTIES AND THE STATE; AMENDING SECTIONS 53-3-306 AND 53-3-307, MCA; AND PROVIDING AN EFFECTIVE DATE.	RETURNED TO SENATE: 11/24, NOT CONCURRED IN			
5 REGAN	AN ACT ELIMINATING THE REQUIREMENT THAT A COUNTY REIMBURSE THE DEPARTMENT OF	DIED FINANCE	4		

300 copies of this public document were published at an estimated cost of \$.21 per copy, for a total cost of \$118.50, which includes \$63.00 for printing and \$55.50 for distribution.

